

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl.No. 5390 of 2007()

CRIME NO. 179 OF 2007 OF ELATHOOR POLICE STATION,KOZHIKODE

PETITIONERS

1. SHAJI @ MANI, S/O.SUDHAKARAN, AGED 35,
KUPPAKALATHIL HOUSE, ELATHOOR, KOZHIKODE.
2. K.K.ASOKAN, S/O.PAITHAL, AGED 54
KUPPAKALATHIL HOUSE, ELATHOOR, KOZHIKODE.
3. ANOOP, S/O.ASOKAN, AGED 23 YEARS,
KUPPAKALATHIL HOUSE, ELATHOOR, KOZHIKODE.
4. ARUN @ KITTU, AGED 18, S/O.ASOKAN,
KUPPAKALATHIL HOUSE, ELATHOOR, KOZHIKODE.
5. K.K.SASI @ SASIDHARAN, S/O.PAITHAL,
KUPPAKALATHIL HOUSE, ELATHOOR, KOZHIKODE.
6. SHYJITH, S/O.SASIDHARAN, AGED 28,
KUPPAKALATHIL HOUSE, ELATHOOR, KOZHIKODE.
7. ABHI @ ABHILASH, S/O.VENU, AGED 26,
KAZHUGUM THOTTATHIL, PUTHIYAPPA
ELATHUR, KOZHIKODE.
8. HAREESH, S/O.VENU, AGED 23,
KAZHUGUM THOTTATHIL, PUTHIYAPPA,
ELATHUR, KOZHIKODE.
9. ANEESH, S/O.VENU, AGED 21,
KAZHUGUM THOTTATHIL, PUTHIYAPPA,
ELATHUR, KOZHIKODE.
10. JIJI @ JIJESH, S/O.GANGADHARAN M.V.,
AGED 30, MUKRIKANDY VALAPPU, KOYILANDY BEACH,
PANTHALAYANI AMSO AND DESOM.
11. RADHAMANI, W/O.ASOKAN, AGED 42,
KUPPAKALATHIL HOUSE, ELATHOOR, KOZHIKODE.

12. MINI, W/O.SUDHAKARAN, AGED 36,
PALLIMARAKKANTE PARAMBIL, PAYYOLI BEACH.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
STATION HOUSE OFFICER, ELATHOOR POLICE STATION,
CRIME FIR NO.179/2007, KOZHIKODE.
2. THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 5390 of 2007

Dated this the 19th day of September, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations for offences punishable, inter alia, under Sections 452, 324 and 307 r/w. 149 I.P.C. The crux of the allegations is that incensed by a dispute regarding the right to light lamps in an adjacent place of worship, the petitioners formed themselves into an unlawful assembly and indulged in the culpable overt acts alleged against them. A counter case has also been registered. Investigation is in progress. That counter case is also under S.307 I.P.C. The petitioners include elderly women also. They apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Prosecutor does not oppose the said prayer and I am satisfied in the circumstances of this case that appropriate direction under Section 438 Cr.P.C. can be issued in favour of the petitioners, subject, of course, to appropriate conditions, which shall ensure the interests of a fair, efficient and expeditious investigation as also safeguard the

law and order situation in the locality. In coming to this conclusion, I take note of the injuries suffered by the victims, which have been read over tome. I take note of the admitted circumstance that a counter case has also been registered.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 26.9.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 27.9.07 and 28.9.2007 and thereafter they shall appear on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 26.9.06 and the

police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(b) If the petitioners were arrested prior to their surrender on 26.9.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 26.9.2007.

(R. BASANT)
Judge

tm